Court No. 2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 4781 of 2001 (S/S)

U.P. State Road Transport Corporation
through Regional Manager Dehradun,
District-Dehradun.

…… Petitioner.

Versus

1. Labour Court Pradesh,
Dehradun, District- Dehradun.

2. Mohd. Yaseen S/o Sri Barkat Ali,
C/o Pradeep Kumar Advocate,
R/o Village and P.O. Lakhnour,
District- Saharanpur.

…… Respondents.

Sri Ashish Kumar Joshi, learned counsel for the petitioner.
Sri M.C.Pant, learned counsel for the respondent No. 2.

Dated: 23rd Sept., 2005.

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner challenging the order dated 09.08.2001 passed by Labour Court, Dehradun under sec. 33-C (2) of the Industrial Disputes Act, 1947 in Misc. case No. 78 of 2001, contained in Annexure No. 1 to the writ petition.

2. Brief facts of the case, according to the petitioner, are that an application was filed by the respondent No.2/ workman under Section 33-C(2) of the Industrial Disputes Act, 1947 for payment of arrears of difference of salary and leave encashment arrears of amount of gratuity arose out of implementation of the recommendations of 5th Pay Commission and cost of

litigation awarded by the Labour Court. The learned Tribunal after considering the case of the applicant/ respondent No. 2 allowed the application under Section 33-C(2) of the Industrial Disputes Act and ordered for payment of the amounts due within a period of one month. Feeling aggrieved, this writ petition has been filed.

3. I have heard the learned counsel for the parties and perused the material on record.

4. Before the Labour Court the petitioner has accepted that recommendation 5th Pay Commission is binding on the Corporation/ petitioner and accordingly to the recommendation, the dues are payable to their employees. It was also accepted that the financial condition of the corporation is not good at present and as and when the financial condition will be improved, the dues shall be paid to the employees. Keeping in view the facts and circumstances, the Labour has rightly ordered to pay the dues to the workman within one month.

5. In view of above finding recorded by the Labour Court, I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which requests no interference.

6. The writ petition is devoid of merit and is dismissed. No order as costs.

(P.C. Verma, J.)

23.09.2005
P.Singh